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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. C94 2307 CW

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING
IMPLEMENTATION OF AND
BRIEFING SCHEDULE FOR
DISPUTES REGARDING THE RJD
REMEDIAL PLAN**

Judge: Claudia Wilken

On September 8, 2020, the Court issued its Order Granting in part Motion to Modify Remedial Orders and Injunctions (“RJD Order”), Dkt. 3059, and its Order for Additional Remedial Measures (“RJD Injunction”), Dkt. 3060. The RJD Injunction set forth a schedule (1) for Defendants, by September 22, 2020, to propose a plan (the “RJD Remedial Plan”) “for achieving compliance with the *Armstrong* Remedial Plan (ARP) and the Americans with Disabilities Act (ADA) that includes the components” described in the remainder of the RJD Injunction, (2) for the parties, between September 22, 2020 and October 20, 2020, to meet and confer regarding Defendants’ proposed RJD Remedial Plan, and (3) for the parties, between October 21 and November 7, 2020, to brief any disputes regarding the RJD Remedial Plan. RJD Injunction at 1-3.

On September 29, 2020, Defendants provided Plaintiffs with their proposed RJD Remedial Plan.

The parties conducted meet and confer sessions by video conference on October 9, 2020, October 13, 2020, October 14, 2020, October 19, 2020, and October 23, 2020. Each session lasted for at least one-and-a-half-hours and was attended by counsel for the parties, Connie Gipson (CDCR’s Director of Adult Institutions), Amy Miller (CDCR’s Director of Correctional Policy Research and Internal Oversight), and Jennifer Neill (Assistant Secretary/Chief Counsel, Legal Affairs), and Edward Swanson (Court Expert). The parties also have exchanged several sets of written comments regarding Defendants’ proposed RJD Remedial Plan.

The parties have made significant progress in their negotiations. The parties have agreed to a number of the provisions of the RJD Remedial Plan. In addition, the parties intend to continue negotiations and are optimistic that they may be able to reach agreement regarding additional provisions of the RJD Remedial Plan over the next few weeks. The parties currently have meet and confer sessions scheduled for October 29, 2020, November 4, 2020, and November 10, 2020.

The parties hereby stipulate to the following:

1. In the event that the parties are not able to resolve all disagreements

[3641199.1]

1 regarding the RJD Remedial Plan, Plaintiffs shall file objections with the Court no later
 2 than November 17, 2020 in a brief of no more than ten pages; Defendants may respond to
 3 the objections by November 24, 2020 in a brief of no more than fifteen pages; and
 4 Plaintiffs may file a reply by December 4, 2020 of no more than five pages.

5 2. Defendants agree that by no later than March 8, 2021, Defendants' audio-
 6 visual surveillance system (AVSS) at RJD, which will cover all areas of RJD to which
 7 class members have access—including, but not limited to, all exercise yards, housing units,
 8 sally-ports, dining halls, program areas, and gyms—will be fully implemented and
 9 operational, including all relevant policies, procedures, and training; absent external and
 10 unforeseen forces beyond CDCR's control.

11 3. Defendants agree that by no later than January 19, 2021, Defendants' body-
 12 worn camera program at RJD will be fully implemented and operational, including all
 13 relevant policies, procedures, and training; absent external and unforeseen forces beyond
 14 CDCR's control.

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[3641199.1]

1 4. Defendants agree that by no later than December 14, 2020, Defendants will
2 hire and train correctional sergeants to fill nine new, seven-days-per-week positions at
3 RJD. Five of the positions will be on second watch (one on each of RJD's five yards) and
4 four of the positions will be on third watch (with one third watch sergeant assigned to
5 cover both Facilities D and E).

6 IT IS SO STIPULATED.

8 DATED: October 23, 2020

ROSEN BIEN GALVAN & GRUNFELD LLP

9 By: /s/ Gay Crosthwait Grunfeld

10 Gay Crosthwait Grunfeld

11 Attorneys for Plaintiffs

13 DATED: October 23, 2020

XAVIER BECERRA

Attorney General of the State of California

15 By: /s/ Trace O. Maiorino

16 Trace O. Maiorino

Deputy Attorney General

17 Attorneys for Defendants

20 **FILER'S ATTESTATION**

21 As required by Local Rule 5-1, I attest that I obtained concurrence in the filing of this
22 document by all signatories, and that I have maintained records to support this concurrence.

24 DATED: October 23, 2020

/s/ Gay Crosthwait Grunfeld

Gay Crosthwait Grunfeld

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~~PROPOSED~~ ORDER

Having reviewed the above Stipulation of the parties, and good cause appearing, it is ORDERED that:

1. In the event that the parties are not able to resolve all disagreements regarding the RJD Remedial Plan, Plaintiffs shall file objections with the Court no later than November 17, 2020 in a brief of no more than ten pages; Defendants may respond to the objections by November 24, 2020 in a brief of no more than fifteen pages; and Plaintiffs may file a reply by December 4, 2020 of no more than five pages.

2. By no later than March 8, 2021, Defendants' audio-visual surveillance system (AVSS) at RJD, which will cover all areas of RJD to which class members have access—including, but not limited to, all exercise yards, housing units, sally-ports, dining halls, program areas, and gyms—shall be fully implemented and operational, including all relevant policies, procedures, and training; absent external and unforeseen forces beyond CDCR's control.

3. By no later than January 19, 2021, Defendants' body-worn camera program at RJD shall be fully implemented and operational, including all relevant policies, procedures, and training; absent external and unforeseen forces beyond CDCR's control.

4. By no later than December 14, 2020, Defendants shall hire and train correctional sergeants to fill nine new, seven-days-per-week positions at RJD. Five of the positions shall be on second watch (one on each of RJD's five yards) and four of the positions shall be on third watch (with one third watch sergeant assigned to cover both Facilities D and E).

IT IS SO ORDERED.

DATED: October 26, 2020



Honorable Claudia Wilken
United States District Judge